

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DESHAWN ANDERSON-SANTOS,

Plaintiff,

v.

COUNTY OF KENT and DEREK LESHAN,

Defendants.

Case No. 1:21-cv-453

HON. JANE M. BECKERING

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**MEMORANDUM OPINION AND ORDER**

Plaintiff Deshawn Anderson-Santos filed this § 1983 civil rights action in 2021 against Defendants Kent County and Derek Leshan. Defendant Kent County was terminated from this case on February 21, 2023. On July 29, 2024, Plaintiff and Defendant Leshan reached a settlement at a Continued Settlement Conference before the Magistrate Judge. It is undisputed that Plaintiff signed the Settlement Agreement on August 13, 2024, and Defendant Leshan signed the Settlement Agreement on August 16, 2024. However, Plaintiff's counsel subsequently sent defense counsel the signed Settlement Agreement with the following handwritten notation next to Plaintiff's counsel's signature: "I have explained the terms to my client and will not be legally bound by these terms as I am his attorney only" (ECF No. 135-4). Defendants refused to accept the Settlement Agreement containing Plaintiff's counsel's annotation to his signature, and, on August 23, 2024, Plaintiff filed a "Motion to Compel Acceptance of Fully Executed Settlement Agreement, Enforce Settlement, and for Sanctions" (ECF No. 133).

The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R) recommending that this Court deny Plaintiff's motion and enforce the Settlement Agreement as agreed to by the parties without the annotation sought by Plaintiff's counsel. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation, to which Defendant Leshan filed a response. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

In recommending that this Court deny Plaintiff's motion, the Magistrate Judge determined that there is no dispute the parties reached an agreement on "all of the material terms of a settlement" and that the parties' agreement "included signature lines for counsel without any sort of limiting language" (R&R, ECF No. 137 at PageID.1933). The Magistrate Judge opined that "Plaintiff's counsel's after-the-fact attempt to alter the agreed-upon form of the agreement must be rejected" (*id.* at PageID.1934).

In his objections, Plaintiff reiterates his argument that he "cannot be bound by the terms of the Settlement Agreement," and he also contends that the Magistrate Judge's decision instead "reform[s]" the settlement agreement (Pl. Objs., ECF No. 138 at PageID.1939–1940). Plaintiff's argument demonstrates only his disagreement with the Magistrate Judge's decision. Plaintiff identifies no factual or legal error in the Magistrate Judge's analysis. As Defendant Leshan points out in his response (ECF No. 139 at PageID.1952), the Magistrate Judge did not "reform" the parties' settlement agreement. Rather, the Magistrate Judge properly determined that the settlement agreement agreed upon and executed by the parties should be enforced by the Court pursuant to its inherent power. *See Brock v. Scheuner Corp.*, 841 F.2d 151, 154 (6th Cir. 1988).

Therefore, this Court adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. Accordingly:

**IT IS HEREBY ORDERED** that the Objections (ECF No. 138) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 137) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Compel Acceptance of Fully Executed Settlement Agreement, Enforce Settlement, and for Sanctions (ECF No. 133) is DENIED for the reasons stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that appropriate stipulated dismissal papers, prepared for entry by United States District Judge Jane M. Beckering, shall be filed with the Court by December 30, 2024.

Dated: December 6, 2024

/s/ Jane M. Beckering  
JANE M. BECKERING  
United States District Judge